

Application Serial No. 10/824,224
Amendment dated August 18, 2005
Response to Office Action of August 10, 2005

AMENDMENT TO THE DRAWINGS:

The attached sheet of drawing includes a change to FIG. 30, in which reference character 430 referring to the base fluid channel as described in paragraph [0093] was added. No new subject matter has been added. This sheet, which includes FIG. 30, replaces the original sheet including FIG. 30.

Attachment: Replacement Sheet

REMARKS

This Amendment is being filed in response to an Office Action dated August 10, 2005. Claims 1-57 were originally pending in this application. During a teleconference on August 1, 2005, Applicants provisionally elected claims 23-57 to pursue in this application, and accordingly, claims 1-22 were withdrawn.

In the Office Action, claims 45-57 were allowed, claims 25-26 were indicated as containing allowable subject matter, and claims 23-24 and 27-44 were rejected. Claims 23, 44, 45 and 52 are independent. By this Amendment, claims 46-51 and 53-57 have been amended to reflect the renumbering of claims as requested by the Examiner, and FIG. 30 has been amended to show reference character 430 referred to in paragraph [0093] of the specification. No new matter has been added. Applicants respectfully maintain that the amendments has been made without prejudice in order to expedite prosecution. Accordingly, claims 23-57 remain pending in this application, and Applicants respectfully maintain that this application is in condition for allowance.

Affirmation of Response to Restriction Requirement

During a teleconference on August 1, 2005, Applicants provisionally elected to prosecute claims 23-57, which Applicants hereby affirm. Accordingly, claims 1-22 are withdrawn from further consideration. Applicants respectfully maintain that the provisional election is made without prejudice and Applicants respectfully reserve the right to file later divisional applications directed to the claims not elected.

Allowable Subject Matter

Applicants note with appreciation the allowance of claims 45-57 and the indication of allowability of claims 25-26.

Objections to the Drawings

In the Office Action, the drawings were objected to as not including reference sign 430 in Figure 30 as referred to in paragraph [0093] of the specification. By this Amendment, Applicants submit a revised Figure 30 showing reference sign 430 as requested. Accordingly, Applicants respectfully submit that the objection has been rendered moot and request withdrawal of the objection.

Objections to Claim 42

In the Office Action, claim 42 was objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants respectfully submit that whereas independent claim 23 requires “a stem member designed and dimensioned to be disposed in part within said base fluid channel,” it does not require that “a part of said stem member is disposed within said base fluid channel” as is required in dependent claim 42. (Emphases added). Therefore, Applicants respectfully submit that claim 42, which requires that a part of the stem be disposed within the base fluid channel, does indeed further limit the subject matter of claim 23 and is therefore of proper dependent form. Accordingly, Applicants respectfully request withdrawal of the objection to claim 42.

The numbering of claims were objected to as containing misnumbered claims. Applicants hereby accept and adopt the renumbering of claims as suggested by the Examiner. Claims 46-51 and 53-57 have been amended to reflect the renumbering of claims.

Double Patenting Rejection

In the Office Action, claims 23, 24, 27-41 and 43-44 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Applicants' copending Application No. 10/274,619, either standing alone or in view of other references. The Office Action stated that a Terminal Disclaimer could be used to overcome this rejection.

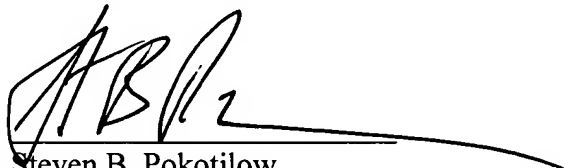
In the interests of expediting prosecution, and without conceding the propriety of this rejection, Applicants submit herewith a Terminal Disclaimer to Application No. 10/274,619. Accordingly, Applicants respectfully request withdrawal of the rejection.

Applicants respectfully submit that all outstanding rejections and objections have been addressed and are now either overcome or moot. Favorable consideration and prompt allowance of this application is respectfully requested. In the event that there are any questions, or should additional information be required, please do not hesitate to contact Applicants' attorney at the number listed below.

Application Serial No. 10/824,224
Amendment dated August 18, 2005
Response to Office Action of August 10, 2005

No fee other than the \$130 fee for filing the Terminal Disclaimer authorized herewith is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, the Examiner is hereby authorized to charge the amount of such fee to Deposit Account No. 19-4709.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. B. Pokotilow', with a long horizontal line extending to the right.

Steven B. Pokotilow
Registration No. 26,405
Attorney for Applicants
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038
212-806-5400